

ATTACHMENT #25

**UNITED STATES CODE 30112 – 30115 AND
30141**

(7 Pages)

TITLE 49, UNITED STATES CODE

CHAPTER 301 MOTOR VEHICLE SAFETY

Sec. 30112. Prohibitions on manufacturing, selling, and importing noncomplying motor vehicles and equipment

- a. **GENERAL** Except as provided in this section, sections 30113 and 30114 of this title, and subchapter III of this chapter, a person may not manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, any motor vehicle or motor vehicle equipment manufactured on or after the date an applicable motor vehicle safety standard prescribed under this chapter takes effect unless the vehicle or equipment complies with the standard and is covered by a certification issued under section 30115 of this title.
- b. **NONAPPLICATION** This section does not apply to
 1. the sale, offer for sale, or introduction or delivery for introduction in interstate commerce of a motor vehicle or motor vehicle equipment after the first purchase of the vehicle or equipment in good faith other than for resale;
 2. a person
 - A. establishing that the person had no reason to know, despite exercising reasonable care, that a motor vehicle or motor vehicle equipment does not comply with applicable motor vehicle safety standards prescribed under this chapter; or
 - B. holding, without knowing about the noncompliance and before the vehicle or equipment is first purchased in good faith other than for resale, a certificate issued by a manufacturer or importer stating the vehicle or equipment complies with applicable standards prescribed under this chapter;
 3. a motor vehicle or motor vehicle equipment intended only for export, labeled for export on the vehicle or equipment and on the outside of any container of the vehicle or equipment, and exported;
 4. a motor vehicle the Secretary of Transportation decides under section 30141 of this title is capable of complying with applicable standards prescribed under this chapter;
 5. a motor vehicle imported for personal use by an individual who receives an exemption under section 30142 of this title;
 6. a motor vehicle under section 30143 of this title imported by an individual employed outside the United States;
 7. a motor vehicle under section 30144 of this title imported on a temporary basis;
 8. a motor vehicle or item of motor vehicle equipment under section 30145 of this title requiring further manufacturing; or
 9. a motor vehicle that is at least 25 years old.

Sec. 30113. General exemptions

- a. **DEFINITION** In this section, "low-emission motor vehicle" means a motor vehicle meeting the standards for new motor vehicles applicable to the vehicle under section 202 of the Clean Air Act (42 U.S.C. 7521) when the vehicle is manufactured and emitting an air pollutant in an amount significantly below one of those standards.
- b. **AUTHORITY TO EXEMPT AND PROCEDURES**
 1. The Secretary of Transportation may exempt, on a temporary basis, motor vehicles from a motor vehicle safety standard prescribed under this chapter on terms the Secretary considers appropriate. An exemption may be renewed. A renewal may be granted only on reapplication and must conform to the requirements of this subsection.
 2. The Secretary may begin a proceeding under this subsection when a manufacturer applies for an exemption or a renewal of an exemption. The Secretary shall publish notice of the application and provide an opportunity to comment. An application for an exemption or for a renewal of an exemption shall be filed at a time and in the way, and contain information, this section and the Secretary require.
 3. The Secretary may act under this subsection on finding that
 - A. an exemption is consistent with the public interest and this chapter; and
 - B.
 - i. compliance with the standard would cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith;
 - ii. the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard;
 - iii. the exemption would make the development or field evaluation of a low-emission motor vehicle easier and would not unreasonably lower the safety level of that vehicle; or
 - iv. compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles.
- c. **CONTENTS OF APPLICATIONS** A manufacturer applying for an exemption under subsection (b) of this section shall include the following information in the application:
 1. if the application is made under subsection (b)(3)(B)(I) of this section, a complete financial statement describing the economic hardship and a complete description of the manufacturer's good faith effort to comply with each motor vehicle safety standard prescribed under this chapter from which the manufacturer is requesting an exemption.
 2. if the application is made under subsection (b)(3)(B)(ii) of this section, a record of the research, development, and testing establishing the innovative nature of the safety feature and a detailed analysis establishing that the safety level of the feature at least equals the safety level of the standard.

3. if the application is made under subsection (b)(3)(B)(iii) of this section, a record of the research, development, and testing establishing that the motor vehicle is a low-emission motor vehicle and that the safety level of the vehicle is not lowered unreasonably by exemption from the standard.
4. if the application is made under subsection (b)(3)(B)(iv) of this section, a detailed analysis showing how the vehicle provides an overall safety level at least equal to the overall safety level of nonexempt vehicles.
- d. **ELIGIBILITY** A manufacturer is eligible for an exemption under subsection (b)(3)(B)(I) of this section only if the Secretary determines that the manufacturer's total motor vehicle production in the most recent year of production is not more than 10,000. A manufacturer is eligible for an exemption under subsection (b)(3)(B)(ii), (iii), or (iv) of this section only if the Secretary determines the exemption is for not more than 2,500 vehicles to be sold in the United States in any 12-month period.
- e. **MAXIMUM PERIOD** An exemption or renewal under subsection (b)(3)(B)(I) of this section may be granted for not more than 3 years. An exemption or renewal under subsection (b)(3)(B)(ii), (iii), or (iv) of this section may be granted for not more than 2 years.
- f. **DISCLOSURE** The Secretary may make public, by the 10th day after an application is filed, information contained in the application or relevant to the application unless the information concerns or is related to a trade secret or other confidential information not relevant to the application.
- g. **NOTICE OF DECISION** The Secretary shall publish in the Federal Register a notice of each decision granting an exemption under this section and the reasons for granting it.
- h. **PERMANENT LABEL REQUIREMENT** The Secretary shall require a permanent label to be fixed to a motor vehicle granted an exemption under this section. The label shall either name or describe each motor vehicle safety standard prescribed under this chapter from which the vehicle is exempt. The Secretary may require that written notice of an exemption be delivered by appropriate means to the dealer and the first purchaser of the vehicle other than for resale.

Sec. 30114. Special exemptions

The Secretary of Transportation may exempt a motor vehicle or item of motor vehicle equipment from section 30112(a) of this title on terms the Secretary decides are necessary for research, investigations, demonstrations, training, or competitive racing events.

Sec. 30115. Certification of compliance

A manufacturer or distributor of a motor vehicle or motor vehicle equipment shall certify to the distributor or dealer at delivery that the vehicle or equipment complies with applicable motor vehicle safety standards prescribed under this chapter. A person may not issue the certificate if, in exercising reasonable care, the person has reason to know the certificate is false or misleading in a material respect. Certification of a vehicle must be shown by a label or tag permanently fixed to the vehicle. Certification of equipment may be shown by a label or tag on the equipment or on the outside of the container in which the equipment is delivered.

SUBCHAPTER III IMPORTING NONCOMPLYING MOTOR VEHICLES AND EQUIPMENT

Sec. 30141. Importing motor vehicles capable of complying with standards

- a. **GENERAL** Section 30112(a) of this title does not apply to a motor vehicle if
 - 1. on the initiative of the Secretary of Transportation or on petition of a manufacturer or importer registered under subsection (c) of this section, the Secretary decides
 - A. the vehicle is
 - i. substantially similar to a motor vehicle originally manufactured for import into and sale in the United States;
 - ii. certified under section 30115 of this title;
 - iii. the same model year (as defined under regulations of the Secretary of Transportation) as the model of the motor vehicle it is being compared to; and
 - iv. capable of being readily altered to comply with applicable motor vehicle safety standards prescribed under this chapter; or
 - B. if there is no substantially similar United States motor vehicle, the safety features of the vehicle comply with or are capable of being altered to comply with those standards based on destructive test information or other evidence the Secretary of Transportation decides is adequate;
 - 2. the vehicle is imported by a registered importer; and
 - 3. the registered importer pays the annual fee the Secretary of Transportation establishes under subsection (e) of this section to pay for the costs of carrying out the registration program for importers under subsection (c) of this section and any other fees the Secretary of Transportation establishes to pay for the costs of
 - A. processing bonds provided to the Secretary of the Treasury under subsection (d) of this section; and
 - B. making the decisions under this subchapter.
- b. **PROCEDURES ON DECIDING ON MOTOR VEHICLE CAPABILITY**
 - 1. The Secretary of Transportation shall establish by regulation procedures for making a decision under subsection (a)(1) of this section and the information a petitioner must provide to show clearly that the motor vehicle is capable of being brought into compliance with applicable motor vehicle safety standards prescribed under this chapter. In establishing the procedures, the Secretary shall provide for a minimum period of public notice and written comment consistent with ensuring expeditious, but complete, consideration and avoiding delay by any person. In making a decision under those procedures, the Secretary shall consider test information and other information available to the Secretary, including any information provided by the manufacturer. If the Secretary makes a negative decision, the Secretary may not make another decision for the same model until at least 3 calendar months have elapsed after the negative decision.
 - 2. The Secretary of Transportation shall publish each year in the Federal Register a list of all decisions made under subsection (a)(1) of this section.

Each published decision applies to the model of the motor vehicle for which the decision was made. A positive decision permits another importer registered under subsection (c) of this section to import a vehicle of the same model under this section if the importer complies with all the terms of the decision.

c. REGISTRATION

1. The Secretary of Transportation shall establish procedures for registering a person who complies with requirements prescribed by the Secretary by regulation under this subsection, including
 - A. recordkeeping requirements;
 - B. inspection of records and facilities related to motor vehicles the person has imported, altered, or both; and
 - C. requirements that ensure that the importer (or a successor in interest) will be able technically and financially to carry out responsibilities under sections 30117(b), 30118-30121, and 30166(f) of this title.
2. The Secretary of Transportation shall deny registration to a person whose registration is revoked under paragraph (4) of this subsection.
3. The Secretary of Transportation may deny registration to a person that is or was owned or controlled by, or under common ownership or control with, a person whose registration was revoked under paragraph (4) of this subsection.
4. The Secretary of Transportation shall establish procedures for
 - A. revoking or suspending a registration issued under paragraph (1) of this subsection for not complying with a requirement of this subchapter or any of sections 30112, 30115, 30117-30122, 30125(c), 30127, or 30166 of this title or regulations prescribed under this subchapter or any of those sections;
 - B. automatically suspending a registration for not paying a fee under subsection (a)(3) of this section in a timely manner or for knowingly filing a false or misleading certification under section 30146 of this title; and
 - C. reinstating suspended registrations.

d. BONDS

1. A person importing a motor vehicle under this section shall provide a bond to the Secretary of the Treasury (acting for the Secretary of Transportation) and comply with the terms the Secretary of Transportation decides are appropriate to ensure that the vehicle
 - A. will comply with applicable motor vehicle safety standards prescribed under this chapter within a reasonable time (specified by the Secretary of Transportation) after the vehicle is imported; or
 - B. will be exported (at no cost to the United States Government) by the Secretary of the Treasury or abandoned to the Government.
2. The amount of the bond provided under this subsection shall be at least equal to the dutiable value of the motor vehicle (as determined by the Secretary of the Treasury) but not more than 150 percent of that value.

- e. FEE REVIEW, ADJUSTMENT, AND USE** The Secretary of Transportation shall review and make appropriate adjustments at least every 2 years in the amounts of the fees required to be paid under subsection (a)(3) of this section. The Secretary of Transportation shall establish the fees for each fiscal year before the beginning of that year. All fees collected remain available until expended

without fiscal year limit to the extent provided in advance by appropriation laws.
The amounts are only for use by the Secretary of Transportation

1. in carrying out this section and sections 30146(a)-(c)(1), (d), and (e) and 30147(b) of this title; and
2. in advancing to the Secretary of the Treasury amounts for costs incurred under this section and section 30146 of this title to reimburse the Secretary of the Treasury for those costs.